

EXHIBIT

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DEFENDANTS' MOTION TO EXCLUDE THE TESTIMONY OF DR. CHRISTOPHER TEAF

05-CV-0329 GKF-PJC

PR#9833

THOMPSON, STEVE

4/7/2009

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, et al.,
Plaintiff,

vs.

CASE NO. 05-CV-00329-GKF SAJ

TYSON FOODS, INC., et al.,
Defendants.

VIDEOTAPED DEPOSITION OF STEVE THOMPSON
TAKEN ON BEHALF OF THE DEFENDANTS
ON APRIL 7, 2009, BEGINNING AT 9:30 A.M.
IN OKLAHOMA CITY, OKLAHOMA

APPEARANCES:

On behalf of the PLAINTIFF:

J. Trevor Hammons
OKLAHOMA ATTORNEY GENERAL'S OFFICE
313 Northeast 21st
Oklahoma City, Oklahoma 73105
(405) 522-2801
thammons@oag.state.ok.us

On behalf of the PLAINTIFFS:

Martha Penisten
OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
707 North Robinson
Oklahoma City, Oklahoma 73107
(405) 702-7184

On behalf of the DEFENDANT-PETERSON FARMS, INC.:

Scott McDaniel
MCDANIEL, HIXON, LONGWELL & ACORD
320 South Boston, Suite 700
Tulsa, Oklahoma 74103
(918) 382-9200
smcdaniel@mcdaniel-lawfirm.com

REPORTED BY: Laura L. Robinson, CSR, RPR

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1 waste?

2 MR. HAMMONS: Object to the form.

3 THE WITNESS: I don't have enough
4 information to make an independent judgment about
5 that.

6 Q. (BY MR. MCDANIEL) Do you have any reason to
7 doubt that Oklahoma Department of Agriculture Food and
8 Forestry is performing their statutory duties with
9 regard to poultry waste management?

10 MR. HAMMONS: Object to the form.

11 THE WITNESS: No. Sorry. No.

12 Q. (BY MR. MCDANIEL) All right. I understand
13 from our earlier discussion that ODEQ as sort of the
14 final backstop as it comes to environmental protection
15 in Oklahoma, has ODEQ elected to step in to assert
16 jurisdiction with regard to the regulation of poultry
17 waste management in Oklahoma?

18 A. As of this date, no.

19 Q. Has the Oklahoma Department of Environmental
20 Quality made a finding that the spreading of poultry
21 waste on lands within the Illinois River Watershed may
22 present an imminent and substantial endangerment to
23 human health?

24 MR. HAMMONS: Object to the form.

25 THE WITNESS: No.

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1 Q. (BY MR. MCDANIEL) Has Oklahoma Department
2 of Environmental Quality made a finding that the
3 spreading of poultry waste on lands within the IRW may
4 present an imminent and substantial endangerment to
5 the environment?

6 MR. HAMMONS: Object to the form.

7 THE WITNESS: No.

8 Q. (BY MR. MCDANIEL) Sir, are you generally
9 familiar with the Federal Comprehensive Environmental
10 Response Compensation and Liability Act?

11 A. CERCLA.

12 Q. Yes, sir, that's why we all say CERCLA,
13 because I had to carefully read that, not to step all
14 over it.

15 And some people, maybe lay people, but some
16 people call it the Superfund Act.

17 A. They do.

18 Q. In a broad conceptual way, tell us what that
19 statute is all about.

20 A. Well, as I understand it, it is generally
21 about the clean-up of hazardous waste sites within the
22 state, within the country, within the United States.

23 Q. You agree that it deals with releases or
24 threatened releases of hazardous substances?

25 A. I do.